

2009 DRAFTING REQUEST

Assembly Amendment (AA-AB14)

Received: 03/07/2009

Received By: gmalaise

Wanted: Soon

Identical to LRB:

For: Jon Erpenbach (608) 266-6670

By/Representing: Mary Matthias

This file may be shown to any legislator: NO

Drafter: gmalaise

May Contact:

Addl. Drafters:

Subject: **Employ Priv - health and safety**

Extra Copies:

Submit via email: YES

Requester's email: **Sen.Erpenbach@legis.wisconsin.gov**

Carbon copy (CC:) to: **mary.matthias@legis.wisconsin.gov**

Pre Topic:

No specific pre topic given

Topic:

Traveling sales crews; definitions of consumer and consumer goods or services; exception for special events; technical corrections

Instructions:

See attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	gmalaise 03/07/2009	jdyer 03/09/2009		_____			
/1			rschluet 03/09/2009	_____	lparisi 03/09/2009	lparisi 03/09/2009	

FE Sent For:

<END>

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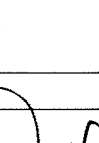
Traveling sales crews; definitions of consumer and consumer goods or services; exception for special events; technical corrections

Instructions:

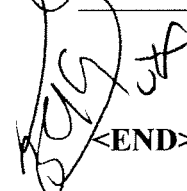
See attached

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1/?	gmalaise	1/3 1/9 jld					
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FE Sent For:

 <END>

Malaise, Gordon

From: Matthias, Mary
Sent: Tuesday, March 03, 2009 4:31 PM
To: Malaise, Gordon
Cc: Sappenfield, Anne
Subject: amendment to AB 14/SB 4

Hi Gordon-

Sen Erpenbach and Rep. Pope-Roberts would like one simple amendment drafted to AB 14 and SB 4 that would do all of the following:

1. Create a definition of consumer. They want to make sure the bill doesn't cover people who sell to other businesses or to government entities. They want to use the definition of consumer that is used in ATCP 127.01(2) and (3) but alter it to specify that "consumer" also doesn't include a government entity. I added "or governmental" into the ATCP rules language below but if you think it could be worded better feel free to do it how you think best.

ATCP 127.01 (2) "Consumer" means an individual to whom a seller advertises, offers to sell, sells or promotes the sale of consumer goods or services. "Consumer" does not include an individual who purchases consumer goods or services in a business or governmental capacity, or for resale to others.

(3) "Consumer goods or services" means goods or services typically used for personal, family or household purposes. "Consumer goods or services" includes personal investment opportunities, personal business opportunities and personal training courses but does not include any of the following:

2. They want to amend the definition of "traveling sales crew" in s. 103.34(1)(d) to specify that it does not include people who sell goods or services at venues such as Summerfest, flea markets, Alpine valley and other music concerts, farmers markets, art fairs, festivals, public performances and the like. I suggested just limiting the definition to door-to-door sales but they aren't comfortable with that. They suggested language such as "does not include sales made at an assigned booth or space with permission of the operator of the venue" or "sales made at a place with a permit from the operator of the venue". Can you think of something that will get at their intent?

3. They want to add in the technical amendment (LRB 0066/1) language to this amendment.

I have to run to catch my car pool now- please give me a call tomorrow if you'd like to discuss this. I'd appreciate the chance to see what you come up with before you send it over.

Thanks!

Mary 6-0932

03/03/2009

IN 3/7

92/08/1

2009 - 2010 LEGISLATURE

LRB-000171
GMM/jld/ph

ASSEMBLY

KEEP

~~SENATE~~ AMENDMENT ,

ASSEMBLY

TO 2009 ~~SENATE~~ BILL 4 (14)

Soon

DATE

1 At the locations indicated, amend the bill as follows:

2 1. Page 7, line 3: after that line insert:

3 "SECTION 1g. 60.33 (8p) of the statutes is created to read:

4 60.33 (8p) TRAVELING SALES CREW WORKER PERMITS. Stamp or endorse traveling
5 sales crew worker permits at the request of an employer under s. 103.34 (11) (c).

6 SECTION 1m. 61.25 (6p) of the statutes is created to read:

7 61.25 (6p) To stamp or endorse traveling sales crew worker permits at the
8 request of an employer under s. 103.34 (11) (c).

9 SECTION 1r. 62.09 (11) (L) of the statutes is created to read:

10 62.09 (11) (L) The clerk shall stamp or endorse traveling sales crew worker
11 permits at the request of an employer under s. 103.34 (11) (c).".

12 2. Page 8, line 22: delete that line and substitute:

13 "4. A violation of s. 100.18 or 100.195, of an order issued under s. 100.20,".

Insert
1-11

Insert 2-1 ✓
1
2
3. Page 8, line 23: delete "of those sections,".

4. Page 10, line 23: delete that line and substitute "of s. 100.18 or 100.195, of

an order issued under s. 100.20, or".

→ #. Page 11, line 3: before "goods" insert "consumer".

4 5. Page 12, line 10: delete that line and substitute "violation of s. 100.18 or

100.195, of an order issued under s. 100.20,".

6. Page 12, line 11: delete "sections,".

7. Page 22, line 3: delete lines 3 to 8 and substitute:

"4. The department of workforce development may not disclose any information received under subd. 1. to any person except to the department of revenue for the sole purpose of requesting certifications under s. 73.0301 or on the request of the department of children and families under s. 49.22 (2m).".

(END)

12
Insert 2-11 ✓
d-note
↓

**2009-2010 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRBa0108/lins
GMM.....

(INSERT 1-11)

1 **1.** Page 8, line 5: after that line insert:

2 ✓“(am) “Consumer” means an individual to whom a seller sells, offers to sell, or
3 advertises or promotes the sale of consumer goods or services. “Consumer” does not
4 include an individual who purchases goods or services in a business or governmental
5 capacity or for resale to others.

6 (ax) (ap) “Consumer goods or services” means goods or services, including personal
7 investment opportunities, personal business opportunities, and personal training
8 courses, that are typically used for personal, family, or household purposes.”

(END OF INSERT)

(INSERT 2-1)

9 **2.** Page 9, line 3: after “selling” insert “consumer”.

10 **3.** Page 9, line 8: after “selling” insert “consumer”.

11 **4.** Page 9, line 9: after “sale of” insert “consumer”.

12 **5.** Page 9, line 11: after “work.” insert “Traveling sales crew activities” does
13 not include the sale of consumer goods or services from a fixed location at a concert,
14 festival, carnival, street fair, public exhibition, or other similar special event with the
15 permission of the organizer of the special event.”

(END OF INSERT)

(INSERT 2-11)

16 **6.** Page 20, line 7: after “any” insert “consumer”.

17 **7.** Page 21, line 2: after “offering” insert “consumer”.

(END OF INSERT)

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRBa0081/1dn

GMM/jld/ph

February 19, 2001 } new date

stays

Representative Pope-Roberts ✓

~~Senator Eppelbach~~: amendment includes the

to ~~§ 134~~ (LRBa0081/1), which ✓

This technical amendment does all of the following:

1. On the recommendation of DATCP, changes all references to a "violation of s. 100.20" to references to a "violation of *an order issued* under s. 100.20." According to DATCP, the specific methods of unfair competition prohibited under s. 100.20 are spelled out in general or special orders issued by DATCP.
2. On the recommendation of the LRB, creates ss. 60.33 (8p), 61.25 (6p), and 62.09 (11) (L) to clarify to city, village, and town clerks that they must stamp a traveling sales crew worker permit on request. That requirement is implicit in s. 103.34 (11) (c), but this amendment makes that requirement explicit. Those provisions are parallel to ss. 60.33 (8m), 61.25 (6m), and 62.09 (11) (k) relating to the stamping of street trade permits under current law.
3. On the recommendation of the LRB, conforms the treatment of s. 103.34 (10) (a) 4. relating to disclosure of social security numbers to the treatment of that provision in the companion bill, AB-14, so as to reflect the creation of the Department of Children and Families (DCF) and the transfer of child support collection duties from DWD to DCF.

Gordon M. Malaise
Senior Legislative Attorney
Phone: (608) 266-9738
E-mail: gordon.malaise@legis.wisconsin.gov

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRBa0108/1dn
GMM:jld:rs

March 9, 2009

Representative Pope-Roberts:

This amendment includes the technical amendment to SB-4 (LRBa0081/1), which does all of the following:

1. On the recommendation of DATCP, changes all references to a "violation of s. 100.20" to references to a "violation of *an order issued* under s. 100.20." According to DATCP, the specific methods of unfair competition prohibited under s. 100.20 are spelled out in general or special orders issued by DATCP.
2. On the recommendation of the LRB, creates ss. 60.33 (8p), 61.25 (6p), and 62.09 (11) (L) to clarify to city, village, and town clerks that they must stamp a traveling sales crew worker permit on request. That requirement is implicit in s. 103.34 (11) (c), but this amendment makes that requirement explicit. Those provisions are parallel to ss. 60.33 (8m), 61.25 (6m), and 62.09 (11) (k) relating to the stamping of street trade permits under current law.

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